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UNCLAS SANTO DOMINGO 006409

SIPDIS

DEPT FOR WHA, WHA/CAR (MCISAAC), PASS TO FAA WASHINGTON;
PASS TO USTR

E.O. 12958: N/A

TAGS: [BTIO](#) [EAIR](#) [EIND](#) [ETRD](#) [DR](#)

SUBJECT: REQUEST FOR FAA TO ACCELERATE LEGAL REVIEW OF
DOMINICAN CIVIL AVIATION LAW "DRAFT"

1. SUMMARY. During the November 4 U.S.-Dominican Trade and Investment Council meeting in Washington, D.C., Dominican Ambassador to the U.S. Hugo Guilliani raised the topic of his country's current ICAO Category II status. The FAA is currently reviewing the Dominican Civil Aviation Law "draft", delivered in mid-August. Because of its high sensitivity and because intensive bilateral trade talks are scheduled for January-March 2004, Embassy requests that the FAA complete its analysis as quickly as possible. END SUMMARY.

BACKGROUND

2. The Dominican Republic is currently classified a Category II country, pursuant to determination by the Federal Aviation Administration (FAA) that the country does not provide adequate safety oversight of its air carrier operations in accordance with the standards set forth by the International Civil Aviation Organization (ICAO). Without Category I status Dominican air carriers, unless using wet-leases from authorized U.S. or foreign carriers, cannot fly into United States air space.

3. Earlier this year the Dominican Republic requested a Technical Review of the country by the FAA as part of its efforts to comply with ICAO standards. In a July consultation in Washington, which Ambassador Guilliani attended, the FAA requested for review an English version of the Dominican Civil Aviation Law draft and its most recent Action Plan. Since mid-August FAA Washington has been in possession of the law draft while the Miami field office has had the Action Plan.

4. FAA officials commented to Embassy that enactment of a civil aviation law in compliance with ICAO standards is an absolute requisite for achieving Category I status.

Aviation flies into Trade Talks

5. On November 4, during the last day of bilateral trade consultations at USTR, Dominican Ambassador to the U.S. Guilliani raised the topic of his country's current Category II status and described it as a trade barrier. The U.S. side noted his concern but indicated that the venue was not appropriate for these discussions.

6. Given the harmonious bilateral cooperation to date on trade issues and the very high profile of the upcoming intensive negotiations on a bilateral Free Trade Agreement, Embassy believes it is in the U.S. interest to address aviation concerns expeditiously. The Dominican Civil Aviation Authority delivered the requested documents in August and is looking forward to FAA comments. Officials are eager to receive comments for use in shaping draft legislation and they want to coordinate an FAA Technical Review.

7. ACTION REQUEST. Embassy asks that FAA accelerate as much as possible its examination of the Dominican submissions and seek to identify appropriate dates for further technical consultation.

HERTELL